Ask Governor for Investi-

gating Commission.

In a statement given out to the press Mr. Simmons refers to "certain units of the National Guard in this city" as "ex-

clusive social clubs, supported by the taxpayers." The statement also pictures "young Jewish men, filled with patriotic devotion and knocking at the doors of the National Guard for the op-

portunity to wear the livery of our coun

try, being cast forth by intrenched bigotry in direct violation of the doc-trine of the separation of church and

On June 15 Mr. Simmons wrote to Gen

Stotesbury protesting against being re-fused access to the records of the Eighth

sanity should be inquired into.

have her dismissed as a teacher.

1

Ask your wife why she

If she says "the maker's

It's the same the world

A good name vouches for

Clothing for men and boys.

Woolens chemically tested

Style and making that

Straw hats, silk socks, silk

shirts, athletic union suits -

everything for Summer com-

ROGERS PEET COMPANY

Broadway

at 34th St

Fifth Ave

at 41st St.

must give satisfaction or

your money back.

at 13th St

turns the teacup upside

Magistrate dismissed an application to

magistrate dismissed an application to send Miss Zipfel to Bellevue and she contended that the acts of the defend-ants were the result of a conspiracy to

CONTEMPT THREAT PROYOKED BY SLADE

Lawyer Ordered to Seat and Then Warned at Trial of Rae Tanzer.

OLIVER DESCRIBED AGAIN

with Oliver Osborne were witnesses yes- examining Magistrate. terday at the trial of Rae Tanzer, who Oliver Osborne with James W. Osborne.

The exciting clashes between William Rand, Jr., special Government prosecuor, and Benjamin Slade of Rae Tanonce, reached a climax when the court warned Mr. Slade that if he did not alter his methods he would be held in contempt of court.

While Reuben Peckham, a former law associate of James W. Osborne, was reading from a diary on the witness stand, Slade asked to see the book. In at the dispute that followed Judge Wolverton ordered Mr. Slade to his seat.

"I think I will leave the court room your Honor," the lawyer answered. "I think I am entitled to some protection."

The Judge again ordered him to be to get up to cross-examine Mr. Peckham
until the court gave him permission. He
to get up to cross-examine Mr. Peckham
until the court gave him permission. He until the court gave him permission. He did this several times and said he intended to do it through the rest of the

"Mr. Slade, the course you are pursuing is very irregular, and if you con-tinue the court will be forced to exert its authority by proceeding for con-

Not Afraid, Slade Says.

"As long as I continue to perform my full duty as an attorney I am not afraid of the court's admonitions," Slade re-

Henry Hartman, attorney for the Bociety for Psychical Research, was one of the witnesses who had seen Oliver Osborne. Mr. Hartman said he met Rae Tanzer by appointment at the rooms of his society to discuss a legal matter with her. Subsequently he saw the young woman with a man near Colum-

trict Attorney's staff of this county while James W. Osborne was an Aresistant District Attorney.

Several letters from one Angus Mc-Donald to Catherine Mackenheimer were

Mr. Richardson

Mr. Slade wanted to know if Oliver asked concerning the case.

"Despite the evidence sub

Juror No. 2, Abram H. Tompkins,

asked Mr. Osborne why he hadn't taken the opportunity to get a photograph of the annoying Oliver. Mr. Osborne said:
"Well, this fellow came to me when I was in trouble and offered to get me out of a hole. He gave me his address, and as he had come to me vol-untarily I thought he would be honest enough to return at the time appointed." Mrs. James W. Osborne, by agreement of counsel, left the court room while her husband was testifying.

Mr. Osborne said he did not visit Mrs. Rose Helen Kaiser, one of the women who knew Oliver Osborne. Mrs. Osborne was called to the stand

corroborated her husband's testi-

ver Osborne from the window of an uptown department store. Confronted by James W. Osborne, she said he was not the man. She admitted that the store detective, in sending her to James W. Osborne's office with the letters, had

The trial continues this morning in the United States District Court.

FILM PATENT FIGHT LOST.

Pederal Circuit Court of Appeals Says Monopoly Is Attempted.

The United States Circuit Court of Appeals in a decision written by Judge Augustus N. Hand and concurred in by Augustus N. Hand and concurred in by Judges Coxe and Rogers affirmed yesterday with a tour of the smaller restaurants in the midtown distorday the dismissal of the patent suit brought by the Motion Picture Patents Company against the Universal Film Manufacturing Company, the Universal Film Exchange and the Prague Amusement Company. The suit involved the right of the plaintiff concern to restrict the use of its machines to the projection of films controlled by the Motion Pictures Patents Company.

The defendants lived up to the restriction until the Motion Pictures Patent Company's patent on the special type of film expired. Then they attempted to the machine for the projection of the patent mark accorded the places.

Company's patent on the special type of film expired. Then they attempted to use the machine for the projection of their own films. Judge Hand in his their own nims. Judge Hand in his opinion upholds their right to do so. The testimony, he says, shows that the plaintiff company has a monopoly, under its patents, of projecting machines.
"If no films, not manufactured by the complainant, can be used upon the machines," he adds, "the complainant will obtain an absolute monopoly of the them.

obtain an absolute monopoly of the film business in spite of the fact that its patents on films has expired." In another part of his decision Judge Hand says the company's contract en-forcing the restriction as to the films in-

volved restraint of trade.

SHEARN ALSO DECLINES TO SIT IN WIRE TAP CASE

Swann, However, Says He Will Continue Hunt for a Judge to Preside at Open Hearing-Talley Ready to Make Complaint Against Mayor.

Supreme Court Justice Shearn refused give everybody a fair thow on every yesterday to aid in the investigation of phase of this question. I do not know whether the public is tired of it or not. harges that certain persons have been guilty of a crime in tapping telephone A number of persons who met, saw, wires. Other Judges are to be asked firted or had still more serious relations by the District Attorney to serve as an

Summing it up, District Attorney secused of perjury in having identified Swann did not make much headway yesterday in his search for a Supreme Court Justice to conduct an open inquiry into the police ethics of tapping private ser's counsel, which have led Judge Wol-verton to rebuke Mr. Slade more than

sent a mass of evidence taken by detectives while "glistening in" on wires running to houses of Catholic priests in Brooklyn and this city.

Alfred J. Talley, representing certain priests involved in the controversy, called on the District Attorney a mass of documents containing the correspondence that has passed between Senator Thompson and himself in regard to the tapping of labor union wires.

"Along with the investigation of the practices of the police in tapping wires," said Mr. Brady, "we also request a complete investigation of their methods and activities in preserving peace during at the facts in the case. The charge Mr. Talley offered to submit is directed against Mayor Mitchel.

Mr. Swann said that on Monday he will ask Supreme Court Justice Greenbaum to take up the open investigation.

whether the public is tired of it or not, but I feel that I shall have done my duty when I ask the General Sessions Judges and Judges of the Supreme Court to act. I feel that the subject should be threshed out in public and that is just

baum to take up the open investigation.

Justice Shearn said he had arranged to leave for California on July 3 and could partment and other city officials

trial, whereupon Judge Wolverton said: NAMES EX-SON-IN-LAW FACED BY HUSBAND IN DIVORCE ACTION

Milton T. Richardson, Pub- Mrs. Angela Kaufman, Sued lisher of Trade Journals,
Seeks Deeree in Jersey.

Spouse in Court.

Mrs. Angela Kaufman, who attempted the companies and similar information.

The lawyer contends that by means of these records he can prove absolutely that racial discrimination has existed in the National Court and the spots of the seconds of the Eighth Coast Artillery Corps and calling the Coast Artillery Corps and calling the General's attention to the fact that every taxpayer has the right to inspect papers of companies and similar information.

The lawyer contends that by means of these records he can prove absolutely that racial discrimination has existed in the National Court.

Richardson, 19 North Van Dien avenue.

Ridgewood, a well known publisher of trade journals in New York, including the Blacksmith and Wheelright and the Blacksmith and Wheelright and the ground that she had another husband. bus Circle.

This man was not James W. Osborne.

Said Mr. Hartman, but "a large, well groomed gentleman who carried a cane.

He greeted the lady effusively. He had a prominent nose and a pleasant expression."

Mr. Hartman, cross-examined, said he was at one time a member of the District Attorney's staff of this county while James W. Osborne was an Aresistant District Attorney.

Several letters from one Angus Mc.

Several letters from one Angus Mc.

"Despite the evidence submitted at the Johnson divorce trial two years ago, on which Mrs. Johnson received a decree, I understand that Mrs. Richardson is Divorce Action Follows \$45,000 planning a vigorous contest and has en-gaged former Attorney-General Robert McCarter of Newark as her counsel."

DIVORCEE SUES FOR \$150,000.

Mrs. Lillian Dale. Supreme Court Justice Platzek ordered a sealed verdict yesterday in the suit of Mrs. Lillian Patterson Dale against her former husband, Francis Colgate Dale, to recover \$150,000 under an alleged agreement by which he was to support her and their six-year-old son in aflife because she divorced him

One of the witnesses for Dale was One of the witnesses for Dale was attached to the Russian diplomatic corps. Was attached to the Russian diplomatic corps. Soborne, she said he was tot the man. She admitted that the tot of detective, in sending her to James W. Osborne's office with the letters, had take the wanted to see Mr. Osborne and would accordingly make the divorce invalid in New York if any heard the suit of Mrs. Beatrice Olenick a real estate.

agaid that he wanted to see Mr. Osborne exonerated.

Mrs. Kaiser testified that, although mot divorced, she had been engaged to Oliver Osborne, rejecting in his favor the attentions of "a man named Constable."

The divorce invalid in New York if any against Alfred Olenick, a real estate broker, for separation on the ground of abandonment, in which Olenick filed a counterclaim for divorce, reterned a verdict holding Mrs. Olenick guilty of nothing about the alleged agreement, and testified that Mrs. Dale told her where with Edward E. Hoenig, a lawshe wouldn't ask for alimony or any

THREE MORE "FAIR" CAFES. Reinspection of Manhattan Eating

Places to Begin To-day. The inspection of the hotels and restaurants by the bureau of food and drugs of the Department of Health con-tinued yesterday with a tour of the smaller restaurants in the midtown dis-

Of the 300 eating places visited during the week there was but one rated "good." while only ten were given a fair mark on first inspection.

MURRAY HILL SUIT LOST.

Court of Appeals Decides Office Building May Be Erected.

Notice was received yesterday that the Court of Appeals has affirmed the decisions of all the lower courts dismissing the suit brought by J. P. Morgan, Charles A. Peabody and other residents of the Murray Hill district for Central Park Concert Te-merrow.

Concerts will be given on the Mall in Central Park at 4 o'clock in the afternoon to-morrow and Sunday, July 2. Cabot Ward, Park Commissioner, made the announcement, saying that a generous citizen will defray the expenses. The park music committee of the Music League of America will give a concert on the Mall next Wednesday evening at 8 o'clock. Franz Kaltenborn and his orchestra will play in Central Park on Bunday, June 25, at 4 o'clock.

SHE BELIEVED DEAD

sistant District Attorney.

Several letters from one Angus McDonald to Catherine Mackenheimer were
read. Angus is supposed to have been
an alias of Oliver Osborne.

Mr. Richardson names his former son
in-law, Harold D. Johnson of Jersey City
as corespondent. Two years ago Mr.
Richardson's daughter divorced Johnson,
naming her stepmother, and Mr. Richardson on the evident
of the stand and told about the visit
Oliver Osborne mad to him at time Oliver Osborne took ali
the blame for the deeds with which
Rae Tanzer charged James W. Osborne
Mr. Richardson names his former son
in-law, Harold D. Johnson of Jersey City
as corespondent. Two years ago Mr.
Richardson's daughter divorced Johnson,
naming her stepmother, and Mr. Richardson
how I'm going to spend it, and I we't
be as mean as you are."

Amid the violent objections of Mr.
Riade, James W. Osborne
Mr. Roborne paid to him at the Sherman Square Hotel on March 19, 1915.
At that time Oliver Osborne took ali
the blame for the deeds with which
Rae Tanzer charged James W. Osborne
Mr. Osborne said that Oliver Osborne
Mr. Richardson has long delayed this
action because of the scandal and notoriety attached to it, all of which he
had a strong chin, a prominent nose, a
fine figure and a sweet, soft voice
"Did he have a West Point waist!"

Mr. Richardson names his former sonin-law, Harold D. Johnson of Jersey City
as corespondent. Two years ago Mr.
Richardson's daughter divorced Johnson,
naming her stepmother, and Mr. Richardson bases his petition on the evident
son bases his petit

WIFE SUES RUSSIAN AGENT.

Gambling Debt Proceeding.

Nicholas Riabouchinsky, art collector and purchasing agent here for the Rusand purchasing agent here for the Russian Government, who was sued in the Federal Court on a \$45,000 roulette debt, is now a defendant in the Supreme Court in a divorce action brought by Mme. Fernando Rocchi Riabouchinsky, an Italian woman of great beauty, with whom he has been living at the Hotel Knickerbocker and the Vanderbilt since he came here last October.

Mme, Riabouchinsky, who is said to have engaged detectives to look up her husband when she learned of the suit over the gambling debt, accused him of

over the gambling debt, accused him of misconduct with a woman unknown to her. They were married in Paris in January, 1914, when Riabouchinsky was

yer, who defended her at the trial.

OSBORNE WINS AGAIN IN RULING BY COURT

down. Appellate Division Dismisses Writ Preventing Elimination of Immorality Count. the importance that at-

taches to it. The writ preventing Supreme Court Justice Platt of Westchester from striking out the sixth, or immorality count in the remaining indictment against Thomas Mott Osborne, ex-warden of Sing Sing, was dismissed yesterday by the Appellate Division in Brooklyn. This leaves the mere skeleton of an indict-ment, trial of which is considered unthe quality.

The decision of the higher court in dis-The decision of the higher court in dismissing the writ was unanimous. The opinion, written by Justice Stapleton, points out that the characterizations in the sixth count are "legally meaningless, but oppressively injurious by suggestion."

White Plans, N. Y., June 16.—District Attorney Weeks, when informed of the action of the Appellate Division in the Osborne case, said: "I have only just heard of the opinion and have not seen a copy of it as yet. I don't know whether I shall appeal or not." The District Attorney added, however, that there are still three counts of the indictment remaining against the former Warden.

Ossining, N. Y., June 16.—Sing Sing fort. The sun tested for their fast

Ossining, N. Y., June 16 .- Sing Sing fort. inmates decorated the prison with the national colors and turned out Tom Brown's Aurora band to-day in celebration of former Warden T. M. Osborne's victory in the Appellate Division in Brooklyn. News of the decision was telephoned to the prison in the afferment

phoned to the prison in the afternoon.

The inmates are expecting Mr. Osborne to come back as warden in the near future. They predict that Warden Kirchwey will retire in his favor when the in-dictment is disposed of.

WOULD OPEN DOORS LUNATIC CAUSES PANIC IN A CROWDED COURT OF MILITIA TO JEWS

Bridegroom Overpowers Sev-Maurice Simmons Prepared to eral Policemen and Attendants and Wrecks Cell.

CITES "FLAGRANT" CASE
side of the Essex Market police court room yesterday attacked Capt. Michael McCormick viciously when he requested the intruder to move to the men's side. Giving a shout that startled Magistrate Corrigan, he tried to tear off McCormick's coat. Even to tear off McCormick's coat. to put an end to the "scandalous" prac-tice of barring Jews from the National a court attendant, the man's antics be-

in a straitjacket and took him to the PEAR OF LIVE WIRE

in a straitjacket and took him to the psycopathic ward.
It was afterward learned that the man is Nicholas Pochoclovitz of 385 East Eighth street. He had been summoned by his wife, Annie, to whom he has been married one month, who says he has been acting queerly. On Thursday, she says, he beat her and her mother, broke much of the furniture and smashed their wedding presents. wedding presents.

WINS HER CHILDREN BY PLUCK

Widow Gets \$1,500 Job and Then Makes Fight in Court.

her husband had left her destitute, were restored to their mother yesterday by order of County Judge Roy of Brooklyn following testimony that Miss Mary McDevitt, foster mother of the children and an assistant public school principal, had kept mother and children apart.

Mrs. McDevitt after the death of her bushand permitted Miss McDevitt, her our committee of the protection of the protectio

ASTOR B'way, 45th St. Eygs, 8:10 SHARP.
Matiness TO-DAY & Wed, 2:10.
150th Gala Performance To-night.

COHAN REVUE 1916

RITERION

IVILIZATION

TRY TO GET IN-JEAU 4 WEEKS IN ADVANCE

GAIETY B'way 46 St. TWICE DAILY. Incl. Sunday 2:30 & 8:30.
Orch. Soc. 18t & 2d Balc. 25c. Box Seats \$2.
TREE IN MACBETH

NEW YORK'S LEADING THEATRES AND SUCCESSES. NEW AMSTERDAM W. 42 St. Eys. 8:10. HUDSON WEST 44TH ST. Evenings 8:20 Matiness TO-DAY & Wed. 2 20. ZIEGFELD FOLLIES The Cinderella Man LIBERTY W. 420 N. 15. WINSPIRING: WE MAIL THE DIXON-HERBERT GIGANTIC SPECTACLE Daily Mats. 25-50-75-81.00 Eves. & Sat. Mat. 26: to \$2.

ZIEGFELD STATES MIDNIGHT FROLIC ELTINGE WEST 42D ST. Evenings 8:15.

Matiness TO-DAY & Wed. 2:15

ONE LAUGH AFTER
ANOTHER

FAIR AND WARMER Prompt Attention to Out of Reservations by Mail or

CANDLER West 42d St. Eves. at 8:20.

LAST 18 TIMES THIS SEASON.

JOHN BARRYMORE in JOHN GALSWORTHY'S JUSTICE BELASCO WEST 44TH ST. Evenings 8:30

THE BOOMERANG HARRIS WEST 42 ST. Evenings 8:1.
Matinees TO-DAY & Wed. 2:15 HIT THE TRAIL HOLLIDAT

with FRED NIBLO as BILLY HOLLIDAY GLOBE BWAY. Continuous P.M. BILLIE BURKEIn "Gloria's

Chapters 1-2-3-4-5-6 & 7

NEXT MONDAY—EXTRA FEATURE.
GEORGE KLEINE'S "QUO VADIS"

LYCEUM NIGHTS 25c to \$1. Mats. 254 50 WINTER GARDEN PASSING 1916

BRITAIN PREPARED

WASHINGTON SQR. PLAYERS done True
Hon. Lover, Helena's Buckless are pl's 2:30 SHUBERT Thea., 44th, W.of B'way, Evs. 8:15.

LEW FIELDS Zipped right up to he minute "-Herald, STEP THIS WAY

CASINO 39th and B'way. Evs. NERY GOOD EDUIL

Maxine Elliott's 39th, nr. B'way. Evs. 8 20. Mats. To-day & Wed. 2 20. MARIE TEMPEST
STRAND B'way. and in "Silks & Satins."
Charlie Chaplin in "The Fireman."

A LADY'S NAME A comed by Cyri Herald Miss Tempest was irresistible LYRIC 42d. West of B way. Evs. 8 20.
Musical Success KATINKA
of the Season

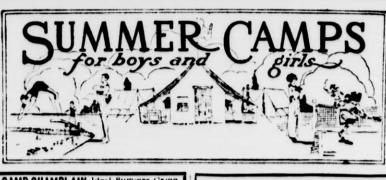
MOLLY O' STANDARD B'way at TWICE 2 and 90th St. DAILY 8 P.M. BEGINNING NEXT MON. (SEATS NO

H. Clune RAMONA | 25c & 50c

Wm. S. Hart in a Triangle Dicture. "The Apostle of Vengeance." Keystone com-dty Jeanne Maubours, M. de Fere, Cristat Goni, Soloists. PALACE Rosloff & Vlasta Maslova. Daily Mat. 25c-\$1. Carson, Ben Welch, others.

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councillors. Large bungalow, all improvements. All expenses \$200. References required. Booklets from WM. H. BROWN,
307 West 70th, N. Y. City. name," you can see at once

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On beautiful Appalachee Lake and Liniken
Bay, near Boothbay Harbor, Maine. For
ooys from ten to thirteen years of age. July
ist to September 1st. \$200. (Special arangements to stay until September 15).
The camp alm: To provide the best posdible place for your boy during the summer.
A wonderful place, best equipment of food,
amp leaders who are real friends to boys,
till eports, study and tutoring as desired
no extra charges), only ten boys accepted,
for particulars address HAROLD A. ELSON,
digh School, Ridgewood, N. J.

Conversational French and German under native teachers at Camp Farwell for Girls From June 30th to Aug. 30th. Admirably located by a lake and in the midst of the pines. 8 miles from Wells River, Vermont. Well built and electrically lighted cottages, Athletic sports and outdoor sleeping. Address

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Formhouse and tent overlooking the Connecticut River; swimming, fishing, beating,
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Advertise your camp under this column.
Rates on request. SCHOOL, COLLEGE AND CAMP BUREAU

CAMP CASCO Cases Bay, Mai For gentlemen is to 21. Located on Stover's Cove. Equipment includes 2 motor boats, 10 dorrels, lobster traps, 17 awis, schooner for 2 weeks cruise etc. Deep sea and shoal fishing. Land and water sports. Clambake, campire, shore dinners. "stunt inght." Under Scout laws. Hooklet. Address EDGAR P. AULERS, Pris. U S. M. A. Children's School, West Folia, N. Y.

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Santary conveniences. Wholesome, inspirational, sympathetic environment. Booklet. Mrs. Chas. T. Baylis, 303 Mariborough
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CHECKS RESCUERS

Crowd Dares Not Help Man Pinned Down by Broken Light Pole.

Fear that a broken cast iron electric light pole at Fifth avenue and Eighteenth street might be charged by a live wire prevented the rescue of a man pinned down by the pole for fifteen min-The three children of Mrs. Kathleen McDevitt, who got a \$1,500 job with the teenth street might be charged by a Ford Motor Company after the death of live wire prevented the rescue of a man her husband had left her destitute, were pinned down by the pole for fifteen minutes last night.

A big auto truck slid into a pushcart loaded with apples at the Nineteenth street corner of Fifth avenue a
few minutes before 6 o'clock last night.
Policeman Murtha went to the telephone
at that corner to report the accident.
While he was there a Fifth avenue arrests were made.

crowded inside. At the Eig street corner, the front wheels bus began to slide over the we pery paving and finally brought the curbstone against the big forty foot cast iron electric light pole, which it cut off at its byse.

The pole fell lengthwise with the side walk, but those in the throng there warned by the screams of the women in the bus, which began when the which started to skid tunned on the cut of the scream. started to skid, jumped out of

motor bus, driven by John Courtenay of 1818 Lexington avenue, came along

except Henry Jacobs, a salesma East Fifteenth street. The po him over the shoulders and p down to the sidewalk and down the pole to show the

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BLAIR ACADEMY General educa-

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